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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,546

02/24/2004

Gregory Anthony Welte

3256

7590

06/30/2004

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EXAMINER

CAPUTO, LISA M

ART UNIT

PAPER NUMBER

2876

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application N .

10/786,546

Applicant(s)

WELTE ET AL.

Examiner

Lisa M Caputo

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference number 110 is in Figure 2 but is not in the specification. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

2. Claim 7 is objected to because of the following informalities:

The step in claim 7 should be labeled --b)-- and not "c)" because there is only a step "a)" in claim 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Griffith et al. (U.S. Patent No. 5,887,176, from hereinafter “Griffith”).

Griffith teaches a method and system for remote monitoring and tracking of inventory. Regarding claims 1 and 9, Griffith teaches a kit that comprises a number of tags (transponders 16), each attachable to an item (containers or items), a controller (system controller 12 and interrogators 14) which has a scanning range, and when activated, periodically inquires (and tests) whether all tags are present within the scanning range, and if not, issues a warning (when a transponder 16 fails to report during a scheduled polling cycle, the interrogator 14 issues an immediate warning of a missing transponder 16 to the system controller 12). Regarding claim 8, Griffith teaches that the tags are RFID tags (see Figure 1, col 2, lines 15-25, col5, lines 39-61, col 9 line 45 to col 13 line 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-7 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Griffith in view of Rich (U.S. Patent Application Publication 2003/0058110). The teachings of Griffith have been discussed above.

Regarding claims 2, 6-7, and 10, more specifically, Griffith teaches the method of maintaining tags wherein each tag responds to an interrogation signal by returning an ID code, and further, that a plurality of different tags return different codes after a time delay following the interrogation signal (i.e. tag 1 returns ID code 1 after a time delay D1 following the interrogation signal) and if fewer ID codes than the number of tags are received, a warning is issued. Further, if all tags are present, an all-present signal is issued (see abstract, col 3, lines 20-35, and col 9, line 39 to col 13, line 67).

Regarding claims 2 and 6-7, although Griffith does indeed teach that the transponders are attached to items or containers (see col 2, lines 15-25), Griffith fails to specifically teach that the tags are placed into an item of luggage (or more specifically, a purse).

Rich teaches a radio frequency patient identification and information system. Rich discloses that RFID tags are used for installation in a device which can be worn about the patient's wrist or neck or carried in a wallet or purse in the form of a card or

label (see paragraph 0010) in order to store, read, and update personal medical information. Hence, Rich teaches that the tags can be placed in a purse, which is an item of luggage.

In view of the teaching of Rich, it would have been obvious to one of ordinary skill in the art at the time the invention was made to be able to store and transport the tags within luggage because it is convenient to be able to have a container to keep valuable objects safe and to track them with transponders. It is appropriate to combine Rich with Griffith because both references teach inventory systems, and Rich teaches the use of luggage as a container more specifically.

Regarding claim 3, Griffith does not specifically teach that the tags are attached to credit cards in the luggage.

Rich teaches a radio frequency patient identification and information system. Rich discloses that RFID tags are used for installation in a device which can be worn about the patient's wrist or neck or carried in a wallet or purse in the form of a card or label (see paragraph 0010) in order to store, read, and update personal medical information. Hence, Rich teaches that the tags can be attached to or within patient information cards. It is well known in the art that an identification card has pertinent information for a person or patient which can include name, address, and insurance information. Therefore, account information from a credit card is an art recognized equivalent piece of information stored on a card.

In view of the teaching of Rich, it would have been obvious to one of ordinary skill in the art at the time the invention was made to attach a transponder to a credit card

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because a credit card is a valuable object that a user does want to keep track of to ensure that there is no tampering with the card or the corresponding account. It is appropriate to combine Rich with Griffith because Griffith teaches the attachment of transponders to different items in containers, and Rich discloses more specifically that a transponder can be attached and implemented with a card that is within a purse.

Regarding claim 4, Griffith teaches that the tags are non-self-powered (see col 1, lines 40-60).


Regarding claim 5, Griffith teaches that the tags receive operating power from incoming rf energy (see col 3, lines 4-11).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: U.S. Patent No. 6,727,810 to Martin et al. which teaches a method of detecting objects within a range of a receiver.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Lisa M. Caputo** whose telephone number is **(571) 272-2388**. The examiner can normally be reached between the hours of 8:30AM to 5:00PM Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at **(571) 272-2398**. The fax phone number for this Group is (703) 872-9306.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**lisa.caputo@uspto.gov**]. *All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*


LMC
June 24, 2004


JARED J. FUREMAN
PRIMARY EXAMINER